

GREENLEE, WINNER AND SULLIVAN, P.C.
4875 Pearl East Circle, Suite 200
Boulder, Colorado 803031 USA
Telephone (303) 499-8080
Fax (303) 499-8089

FACSIMILE COVER SHEET

DATE: April 15, 2009

TOTAL NO. PAGES: 8 including cover sheet

TO: Refunds

FIRM NAME: US Patent Office

FACSIMILE NUMBER: 571-273-6500

FROM: Michael J. Curtis

RE: Deposit account charge error
Application No. 10/785,388

MESSAGE: Transmitted herewith:
Request for refund of fees (1 pg)
Greenlee Winner and Sullivan Deposit Account Statement
for April 2009 (2 pgs)
RCE filed by Norman F. Hainer, Jr. March 26, 2009
authorizing charge to deposit account 192563 (2 pgs)
USPTO Electronic Acknowledgement Receipt dated March 26,
2009 for the RCE filed by Norman F. Hainer (2 pgs)

If this transmission is unclear or incomplete, please notify us by phone at 303-499-8080 or by fax at 303-499-8089.

CONFIDENTIALITY NOTICE

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To: The United States Patent and Trademark Office
Attention: Refunds
Fax No. 571-273-6500

REQUEST FOR REFUND OF FEES

Office of Finance
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 9, 2009, our deposit account no. 07-1969 was charged a large entity fee in the amount of \$810.00 for the filing of a Request for Continued Examination for application number 10/785,388. A copy of our April 2009 Deposit Account statement is attached.

Responsibility for this application was transferred from our firm to Smith & Nephew in York, United Kingdom and Andover, MA over two years ago. Greenlee, Winner and Sullivan, P.C. did not request continued examination or authorize this charge to our deposit account. Attached are the RCE and Electronic Acknowledge Receipt printed from the U.S. Patent Office website for documents filed March 26, 2009. These confirm that Deposit Account No. 192563, Customer Number 68622 was to be charged as authorized by Norman F. Hainer for Attorney Docket No. 31-31-0027. None of that information applies to Greenlee Winner and Sullivan or our deposit account.

Please credit the amount of \$810 to deposit account no. 07-1969.

Respectfully submitted,



Michael J. Curtis
Reg. No. 54,053

GREENLEE, WINNER AND SULLIVAN P.C.
4875 Pearl East Circle, Suite 200
Boulder, CO 80301
Telephone (303) 499-8080
Facsimile: (303) 499-8089
Email: winner@greenwln.com
Customer No. 23713

Attorney File No. 88-001
bmk: April 15, 2009

Deposit Account Statement


**United States
Patent and
Trademark Office**
Deposit Account Statement

Requested Statement Month: April 2009
 Deposit Account Number: 071969
 Name: GREENLEE, WINNER AND SULLIVAN, P.C.
 Attention: ADMINISTRATOR
 Street Address 1: 4875 PEARL EAST CIRCLE, SUITE 200
 Street Address 2:
 City: BOULDER
 State: CO
 Zip: 80301
 Country: UNITED STATES

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-------|--------------------|---------------------------|-------------|-------------|-------------|
| 04/01 | 11798 | 11696527 | 16-06 | 2253 | \$555.00 | \$9,101.00 |
| 04/02 | 2370 | 12409288 | 36-09 | 8021 | \$40.00 | \$9,061.00 |
| 04/02 | 2404 | 12442895 | 37-09 | 8021 | \$40.00 | \$9,021.00 |
| 04/02 | 2812 | 12442930 | 38-09 | 8021 | \$40.00 | \$8,981.00 |
| 04/02 | 5274 | 10502842 | 17-02 | 1811 | \$100.00 | \$8,881.00 |
| 04/02 | 5275 | 10502842 | 17-02 | 1808 | \$130.00 | \$8,751.00 |
| 04/02 | 7625 | E-REPLENISHMENT | | 9203 | -\$7,500.00 | \$16,251.00 |
| 04/02 | 13889 | 61077063 | 128-08P | 8021 | \$40.00 | \$16,211.00 |
| 04/03 | 3527 | 10598149 | 11-04 | 2253 | \$555.00 | \$15,656.00 |
| 04/03 | 4868 | 12399805 | 26-09 | 1051 | \$130.00 | \$15,526.00 |
| 04/03 | 5605 | 12399805 | 26-09 | 8021 | \$40.00 | \$15,486.00 |
| 04/03 | 6893 | 6298996 | 81-98 | 2552 | \$1,240.00 | \$14,246.00 |
| 04/03 | 11461 | 11463525 | 7-05A | 2253 | \$555.00 | \$13,691.00 |
| 04/03 | 11510 | 61151064 | 15-08P | 8021 | \$40.00 | \$13,651.00 |
| 04/06 | 7666 | 12370364 | 42-08P & 42-08 | 8021 | \$80.00 | \$13,571.00 |
| 04/06 | 11511 | 2242024 | 9-08T | 7205 | \$100.00 | \$13,471.00 |
| 04/06 | 11512 | 2242024 | 9-08T | 7201 | \$400.00 | \$13,071.00 |
| 04/06 | 11661 | 2242018 | 7-08T | 7205 | \$100.00 | \$12,971.00 |
| 04/06 | 11662 | 2242018 | 7-08T | 7201 | \$400.00 | \$12,571.00 |
| 04/07 | 4181 | 12340024 | 202-07 | 8021 | \$80.00 | \$12,491.00 |
| 04/07 | 6777 | 11180475 | 61-04 | 1808 | \$180.00 | \$12,311.00 |
| 04/07 | 7167 | 11934702 | 140-06 | 1251 | \$130.00 | \$12,181.00 |
| 04/07 | 7827 | 11267040 | 64-04 | 2401 | \$270.00 | \$11,911.00 |
| 04/07 | 8497 | 11953779 | 75-04A | 1814 | \$140.00 | \$11,771.00 |
| 04/07 | 4 | 12278849 | 7-06B | 2681 | \$260.00 | \$11,511.00 |
| 04/07 | 12484 | 11081841 | 113-04 | 8021 | \$80.00 | \$11,431.00 |
| 04/08 | 317 | 78769358 | 25-05T | 7004 | \$150.00 | \$11,281.00 |
| 04/08 | 1118 | 12340024 | 202-07 | 4011 | \$82.00 | \$11,199.00 |
| 04/08 | 1119 | 12340024 | 202-07 | 2111 | \$270.00 | \$10,929.00 |
| 04/08 | 1120 | 12340024 | 202-07 | 2311 | \$110.00 | \$10,819.00 |
| 04/08 | 1121 | 12340024 | 202-07 | 2202 | \$156.00 | \$10,663.00 |
| 04/08 | 1122 | 12340024 | 202-07 | 2201 | \$110.00 | \$10,553.00 |

Deposit Account Statement

| | | | | |
|-----------------------------|------------------|------------------|---------------------|-----------------------|
| 04/08 1123 12340024 | 202-07 | 2051 | \$65.00 | \$10,488.00 |
| 04/08 1124 12340024 | 202-07 | 2251 | \$65.00 | \$10,423.00 |
| 04/08 4570 12419758 | 39-09 | 4011 | \$82.00 | \$10,341.00 |
| 04/08 4571 12419758 | 39-09 | 2111 | \$270.00 | \$10,071.00 |
| 04/08 4572 12419758 | 39-09 | 2311 | \$110.00 | \$9,961.00 |
| 04/09 4032 8335317 | 23-98 | 2552 | \$1,240.00 | \$8,721.00 |
| 04/09 8999 6327038 | 53-97B | 2552 | \$1,240.00 | \$7,481.00 |
| 04/09 9414 61167774 | 41-09P | 2005 | \$110.00 | \$7,371.00 |
| 04/09 9579 12419758 | 39-09 | 8021 | \$40.00 | \$7,331.00 |
| 04/09 14283 E-REPLENISHMENT | | 9203 | -\$9,500.00 | \$16,831.00 |
| X 04/09 1 10785388 | 31-31-0027 | 1801 | \$810.00 | \$16,021.00 |
| 04/09 14514 PCT/US09/39997 | 43-09 WO | 1601 | \$240.00 | \$15,781.00 |
| 04/09 14515 PCT/US09/39997 | 43-09 WO | 1802 | \$2,080.00 | \$13,701.00 |
| 04/09 14516 PCT/US09/39997 | 43-09 WO | 1703 | \$324.00 | \$13,377.00 |
| 04/09 14517 PCT/US09/39997 | 43-09 WO | 1710 | \$936.00 | \$12,441.00 |
| 04/09 14707 10988979 | 47-03 | 2501 | \$755.00 | \$11,686.00 |
| 04/09 14708 10988979 | 47-03 | 1504 | \$300.00 | \$11,386.00 |
| 04/09 14709 10988979 | 47-03 | 8001 | \$30.00 | \$11,356.00 |
| 04/10 5189 11393475 | 3-08 | 1201 | \$220.00 | \$11,136.00 |
| 04/10 5190 11393475 | 3-08 | 1251 | \$130.00 | \$11,006.00 |
| 04/10 5281 61188084 | 70-08P1 | 2005 | \$110.00 | \$10,896.00 |
| 04/10 5959 61188096 | 44-09P | 1003 | \$220.00 | \$10,676.00 |
| 04/10 6881 12277043 | 1-08A | 8021 | \$40.00 | \$10,636.00 |
| 04/10 7408 12277043 | 1-08A | 1011 | \$330.00 | \$10,306.00 |
| 04/10 7409 12277043 | 1-08A | 1202 | \$260.00 | \$10,046.00 |
| 04/10 7411 12277043 | 1-08A | 1251 | \$130.00 | \$9,916.00 |
| 04/10 7410 12277043 | 1-08A | 1051 | \$130.00 | \$9,786.00 |
| 04/10 7408 12277043 | 1-08A | 1311 | \$220.00 | \$9,566.00 |
| 04/10 7407 12277043 | 1-08A | 1111 | \$540.00 | \$9,026.00 |
| 04/10 8932 61188196 | 45-09P | 2005 | \$110.00 | \$8,916.00 |
| 04/10 9973 12440670 | 133-02A | 8021 | \$40.00 | \$8,876.00 |
| 04/10 10511 E-REPLENISHMENT | | 9203 | -\$9,000.00 | \$17,876.00 |
| 04/13 5582 10192414 | 47-00A | 2252 | \$245.00 | \$17,631.00 |
| 04/13 32 12274999 | 49-03A | 2081 | \$135.00 | \$17,496.00 |
| 04/13 11038 77602186 | 43-08T JP | 8507 | \$15.00 | \$17,481.00 |
| 04/14 461 US0859728 | 68-07WO | 8021 | \$40.00 | \$17,441.00 |
| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH | END BALANCE | |
| \$9,656.00 | \$18,215.00 | \$26,000.00 | \$17,441.00 | |

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Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO50/30EFS (03-09)

Approved for use through 03/31/2009 OMB 0351-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

| | | | | | | | |
|----------------------|---------------------|-------------|------------|-------------------------------|--------------------|----------|------|
| Application Number | 10785388 | Filing Date | 2004-02-23 | Docket Number (if applicable) | PT-3000-US-NP | Art Unit | 3733 |
| First Named Inventor | Neil C. Leatherbury | | | Examiner Name | Annette R. Reimers | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Endorsed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 192563

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTOSB/30EFS (03-09)

Approved for use through 03/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Signature of Registered U.S. Patent Practitioner | | | |
|--|-------------------------|---------------------|------------|
| Signature | /Norman F. Hainer, Jr./ | Date (YYYY-MM-DD) | 2009-03-28 |
| Name | Norman F. Hainer, Jr. | Registration Number | 55239 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Acknowledgement Receipt

| | |
|---|--|
| EFS ID: | 5041557 |
| Application Number: | 10785388 |
| International Application Number: | |
| Confirmation Number: | 6576 |
| Title of Invention: | Bone and cartilage implant delivery device |
| First Named Inventor/Applicant Name: | Neil C. Leatherbury |
| Customer Number: | 68622 |
| Filer: | Norman F Hainer/Amy Blalock |
| Filer Authorized By: | Norman F Hainer |
| Attorney Docket Number: | 31-31-0027 |
| Receipt Date: | 26-MAR-2009 |
| Filing Date: | 23-FEB-2004 |
| Time Stamp: | 15:35:49 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|---|-----------------|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | \$ 260 |
| RAM confirmation Number | 972 |
| Deposit Account | 192563 |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|--|----------------|---|------------------|------------------|
| 1 | Amendment Copy Claims/Response to Suggested Claims | ResponseOA.PDF | 311709 a26457770ac91ac143b37d733d4e290c8e8d de947 | no | 12 |

Warnings:

Information:

| | | | | | |
|---|---|---------|--|----|---|
| 2 | Request for Continued Examination (RCE) | RCE.PDF | 59603 9c99b70530f2e0f1a2d4e746eb303d0e0 b27e | no | 2 |
|---|---|---------|--|----|---|

Warnings:

This is not a USPTO supplied RCE SB30 form.

Information:

| | | | | | |
|---|------------------------|--------------|--|----|---|
| 3 | Fee Worksheet (PTO-06) | fee-info.pdf | 31613 4d29474117b6d11d396dc100e0303d 48587 | no | 2 |
|---|------------------------|--------------|--|----|---|

Warnings:

Information:

Total Files Size (in bytes): 402925

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the International filing date of the application.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

| | | | | | | | |
|----------------------|---------------------|-------------|------------|-------------------------------|--------------------|----------|------|
| Application Number | 10785388 | Filing Date | 2004-02-23 | Docket Number (if applicable) | PT-3000-US-NP | Art Unit | 3733 |
| First Named Inventor | Neil C. Leatherbury | | | Examiner Name | Annette R. Reimers | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV.

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 192563

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Adjustment date: 04/21/2009 SDIRETA1
 04/09/2009 TROSS1 00000001 071969 10785388
 01 FC:1801 810.00 CR

EFS - Web 2.1.10

04/21/2009 SDIRETA1 00000005 192563 10785388

01 FC:1801 810.00 DA

| Signature of Registered U.S. Patent Practitioner | | | |
|--|-------------------------|---------------------|------------|
| Signature | /Norman F. Hainer, Jr./ | Date (YYYY-MM-DD) | 2009-03-26 |
| Name | Norman F. Hainer, Jr. | Registration Number | 55239 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Patent Application Fee Transmittal

| | | | | |
|--|--|-----------------|---------------|-----------------------------|
| Application Number: | 10785388 | | | |
| Filing Date: | 23-Feb-2004 | | | |
| Title of Invention: | Bone and cartilage implant delivery device | | | |
| First Named Inventor/Applicant Name: | Neil C. Leatherbury | | | |
| Filer: | Norman F Hainer/Amy Blalock | | | |
| Attorney Docket Number: | 31-31-0027 | | | |
| Filed as Large Entity | | | | |
| Utility under 35 USC 111(a) Filing Fees | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Late filing fee for oath or declaration | 1051 | 1 | 130 | 130 |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

Adjustment date: 04/21/2009 SDIRETA1
03/27/2009 INTEFSW 00000972 192563 10785388
01 FC:1051 130.00 CR